IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

AMERICAN WASTE MANAGEMENT AND RECYCLING, LLC.

Plaintiff

v.

CEMEX PUERTO RICO; ET AL.

Defendants

CASE NO. 07-1658 (JAF)

URGENT MOTION JOINING REQUEST FOR STATUS CONFERENCE TO RESOLVE CONTROVERSIES REGARDING COMPLIANCE WITH COURT ORDER AND FOR STAY OF ORDER (DKT. #55)

TO THE HONORABLE COURT:

COMES NOW, Defendant CANOPY ECOTERRA CORP. (hereinafter "ECOTERRA") through the undersigned counsel, reserving all defenses, including improper service of process and lack of personal jurisdiction, and very respectfully state and pray as follows:

1. Plaintiff, American Waste Management and Recycling, LLC ("AWMR") in this case has enacted a strategy of inundating court proceedings with the imposition of a false sense of urgency which has led the Court to two (2) orders threatening codefendant CEMEX Puerto Rico ("CEMEX") with sanctions which, in Ecoterra's opinion, are not warranted. Particularly, in

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consideration of the prayers that are requested by AWMR in its motions to this Court that are vague and ambiguous. See Dkt. #30 in general and at p.2, ¶3.

2. Since prior to the issuance of the two orders by this Court, no work has been performed at the CEMEX cement plant that was subject to the Contract that AWMR had with Ecoterra.

3. Therefore, and as has been previously informed to this Court, CEMEX and Ecoterra have maintained the status quo of the dismantling of the portions of the CEMEX cement plant.

4. Moreover, this Honorable Court has expanded the preservation and inspection Order entered on September 24, 2007 (Dkt. #37) under the questionable requests from AWMR for sanctions, when no violations have been committed by either CEMEX or Ecoterra that merits them. In particular, this Court has expanded said Order by permitting the extraction of eight (8) loaded containers, which contents are in dispute at this time and for which Ecoterra will request reconsideration within the allotted time.

5. In accordance to the aforementioned, Ecoterra joins and adopts CEMEX's Urgent Motion filed before this Honorable Court (Dkt. #55), in its entirety.

WHEREFORE, Ecoterra respectfully requests for this Honorable Court to hold a status conference to organize proceedings to allow the orderly compliance with the preservation and inspection Order (Dkt. #30) and, in the meantime, to stay the effect of the Orders entered (Dkts. 37 & 46) in order to avoid the continued onslaught of frivolous motions.

I hereby certify that on October 3, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

RESPECTFULLY SUBMITTED. At San Juan, Puerto Rico, this 3rd day of October, 2007.

S/ ANTONIO VALIENTE
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USDC-PR No. 213906

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